

REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action dated September 25, 2002, claims 1, 2, 4-6, 8, 10-13, 15, 16, 18-20, 22-24, and 26 are rejected to under 35 U.S.C. §102 and §103. Claims 3, 7, 9, 14, 17, 21, and 25 are objected to under 35 U.S.C. §112. In addition, Figure 4 of the drawings was objected.

In this response, no claim has been cancelled and no claims have been amended. Thus claims 1-26 remain pending. Applicant acknowledges with appreciation the allowance of claims 3, 7, 9, 14, 17, 21, and 25. However, at this time, Applicant elects not to place the limitations of the allowed claims into their corresponding independent claims because Applicant respectfully believes that the independent claims are in condition for allowance. Applicant submits that no new matter has been added.

Drawings

Figure 4 of the drawings was objected to because the Examiner requires appropriate labels for reference numbers 401-419. Applicant submits that Figure 4 is fully described in the specification, such as, for example, pages 10 to 11 of the present application. Applicant respectfully submits that the drawings should be interpreted in view of the specification and one with ordinary skill in the art should understand Figure 4 in view of the corresponding specification. Withdrawal of the objection is respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 1-2, 4-5, 8, 10-13, 15, 16, 18, 19, 20, 22, 23, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,111,573 (McComb et al., hereinafter McComb).

To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Manual of Patent Examining Procedures (MPEP) 2131.)

Applicant respectfully submits that claims 1-26 include limitations that are not disclosed by McComb.

In particular, independent claim 1 recites as follows:

1. A computer readable media storing executable computer program instructions which when executed on a digital processing system cause said digital processing system to perform a method comprising:
 - retrieving a data value representing an appearance of an enclosure of said digital processing system;
 - determining an appearance of a display of said digital processing system based upon said appearance of said enclosure.

(emphasis added)

Applicant submits that McComb fails to disclose or teach the limitations of retrieving a data value representing an appearance of an enclosure of a digital processing system and determining an appearance of a display of the system based on the appearance of the enclosure.

In the Office Action, the Examiner stated:

McComb teaches retrieving a data value representing an appearance of an enclosure of a digital processing system (see column 12, lines 54-57; where McComb teaches retrieving the physical size of the display). McComb also teaches determining an appearance of a display based upon the appearance of the enclosure (see column 5, lines 59-65; where the physical measurements are translated into the logical measurements that are used to create the display).

(9/25/2002 Office Action, page 3)

Applicant respectfully disagrees. McComb retrieves a value representing a mapping of logical inches to real measurement units and determines a physical size in the real measurement units of a display device (see, summary of McComb). Applicant submits that McComb fails to disclose retrieving a value representing an appearance of an enclosure of a digital system and determining an appearance of a display of the digital system based on the appearance of the enclosure of the digital system. Rather, the method disclosed by McComb is to convert a fraction of an inch to display units of a display device (see, col. 5, lines 59-67), which is not related to an appearance of an enclosure of a digital system and an appearance of a display based on the enclosure of the digital system. In contrast, independent claim 1 requires determining an appearance of a display (e.g., a desktop scheme, such as, for example, as those claimed in claims 8, 15, 18, and 26) of a digital system based on a value representing an appearance of an enclosure of the system, such as, for example, a machine type or a color of the enclosure of the system claimed in claims 7, 14, 17, and 25. Therefore, independent claim 1 is not anticipated by McComb.

Similarly, independent claims 10 and 19 are system and method claims which include similar limitations. Therefore, at least for the reasons similar to those discussed above, independent claims 10 and 19 are not anticipated by McComb.

Independent claim 16 recites as follows:

16. A method of manufacturing a digital processing system, said method comprising:
determining an appearance of an enclosure of a digital processing system;
storing in a non-volatile memory of said digital processing system a data value representing said appearance of said enclosure, wherein said data value is retrieved when said digital processing system is first used in order to set an appearance of a display of said digital processing system.

Independent claim 16 includes limitations of “determining an appearance of an enclosure of a digital processing system”, “storing in a non-volatile memory of said digital processing system a data value representing said appearance of said enclosure”, and “wherein said data

value is retrieved when said digital processing system is first used in order to set an appearance of a display of said digital processing system”, which are absent from McComb. As discussed above, McComb is concerned about a size conversion between a fractional inch and a display unit rather than setting an appearance of a display based on an appearance of an enclosure of a digital processing system. McComb further fails to disclose that the data value representing an appearance of an enclosure of a digital processing system is retrieved when the digital processing system is first used in order to set an appearance of a display of the digital processing system. Therefore, Applicant respectfully submits that independent claim 16 is not anticipated by McComb.

The rest of the claims depend from one of the above independent claims, thus include all of the distinct features of the respective independent claim, and therefore, for the reasons similar to those discussed above, are not anticipated by McComb. Withdrawal of the rejections is respectfully requested.

Rejections Under 35 U.S.C. §103(a)

Claims 6 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,111,573 (McComb et al., hereinafter McComb) in view of “Windows NT User Profiles” by Heywood.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (Manual of Patent Examining Procedure (MPEP) ¶ 2143.03).

Applicant submits that claims 1-26 of the present application include limitations not disclosed or taught by McComb or Heywood. Applicant submits that neither McComb nor Heywood, individually or in combination, discloses, teaches or suggests the limitations of

“retrieving a data value representing an appearance of an enclosure of said digital processing system” and “determining an appearance of a display of said digital processing system based upon said appearance of said enclosure”, as claimed in their respective independent claim.

Applicant submits that it would not be obvious to those with ordinary skill in the art, based on the teachings of McComb and Heywood, to conceive the present invention as claimed.

Therefore, for the reasons similar to those discussed above, claims 1-26 are patentable over McComb in view of Heywood. Withdrawal of the rejections is respectfully requested.

CONCLUSION

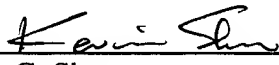
In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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Kevin G. Shao
Reg. No. 45,095

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025-1026
(408) 720-8300